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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,210	02/14/2001	Michael Ledbetter	76093/11080	4765

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Michael Ledbetter  
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Richmond, CA 94804

EXAMINER

RAMAN, USHA

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/783,210

Applicant(s)

LEDBETTER, MICHAEL

Examiner

Usha Raman

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED OFFICE ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11, 13-23, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hite (US Pat. 5,805,974).

In regards to claim 1, Hite discloses a content distribution facility for synchronizing the delivery of a first content to a plurality of users, comprising precise commercial timing means and a signal compression/expansion means for ensuring the that programming (second content) and commercial (first content) lengths fit the available time slot, in order to synchronize the first and second content for simultaneously delivery for providing "road block" commercials. Note column 1, lines 25- column 3, line 55 and column 5, lines 19-30. A synchronizing signal is used with a compression/expansion means, in order to squeeze or stretch a program content in order to fit a given time constraint. Note column 6, line 66-column 7, line 24. The system therefore anticipates the method steps of providing a second content to a compression device for compressing the second content to provide a time window in the second content, and compressing device having processing means for controlling the synchronizing of the time window, in order to deliver the first

content to a plurality of users at the time window when the first content is synchronized to simultaneously deliver the first content to a plurality of users, thus enabling a “road block” delivery of commercials.

In further regards to claims 2, and 14, Hite’s system has the capability of compressing or expanding either/both of the programming content as well as the commercial content. Note column 7, lines 3-24. A program is compressed in order to squeeze the play of the program within an allotted time window (second time window), where the compression rate is determined by the synchronizing signal and time duration (first time window) of the commercial. Accordingly, the system anticipates the method of compressing a program content associated with a second content time window, with a compression device to provide a first content time window in the second content time window for the insertion of the first content therein.

In regards to claims 3, and 15, Hite discloses that the first content can be advertisements to be viewed during commercial breaks of the second content. Note column 6, lines 25-28.

In regard to claims 4, and 16, Hite discloses that source of programming can include sporting games, news stories, etc. Note column 6, lines 29-31.

In regards to claims 5, 6, 17 and 18, the system disclosed by Hite presents advertisements to consumers in a full “road block” fashion, where the same advertisement is played across a plurality of broadcast channels, thus

requiring the synchronizing of content across the various channels. Note 5, lines 19-25.

In regards to claims 7 and 19, discloses that the use of compression device for compressing either of the program content and advertising content as being optional. Therefore, Hite anticipates the method of providing a compression device for compressing only the program content.

In regards to claims 8 and 20, Hite discloses that a set top box at the receiver end receives a broadband signal of audio video and data signals. The set top box further comprises means for decompressing and demultiplexing the audio and video signals for presentation to the user. Note figure 5 and description in column 9, lines 51-67. Therefore the set top box can present the first content to the user both visually and aurally.

The limitations of to claims 9 and 21, do not exclude the first plurality of users from receiving signals aurally or the second plurality of users from receiving signals visually. Furthermore, Hite discloses distributing content to users over satellite distribution system, delivering content to a first and second plurality of users. Therefore, the system of Hite comprises the step of a first plurality of users receiving the first content visually and aurally and a second plurality of users receiving the first content aurally and visually.

In regards to claims 10 and 22, Hite discloses that the switcher combines audio/video signals from a plurality of sources. Note column 6, lines 14-20. Since television programming signals include audio and video signals, the

compressor has means for compressing both audio and visual content of the second content.

In regards to claims 11 and 23, Hite discloses the distribution source of commercials and programming content through playback devices to the compressor. See figure 2.

In regards to claims 13 and 25, see claim 1.

The limitations recited in claims 26 and 27, <sup>correspond to</sup> ~~are anticipated by~~ the <sup>noted</sup> limitations of claims 1 and 2 and are analyzed as above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite (US Pat. 5,805,974).

In regards to claims 12 and 24, Hite does not disclose that the distribution source is a satellite transmission system. Official notice is taken that it is well known to deliver content from a content source to production facility over a satellite link. It would have been obvious to one of ordinary skill in order to provide content such as programming source and advertisements from the their content providers to the content playback devices in the production facility over a

satellite link, in order to continuously receive content updates from the respective source providers over a communication link.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (703) 305-0376. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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